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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,104	04/16/2004	Norman M. Ladouceur	13210-51	7702
1059	7590	08/25/2006	EXAMINER	
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			VU, MICHAEL T	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 08/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/825,104	LADOUCEUR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Michael Vu	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/05/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 7/05/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchiyama (US 2003/0078071).

Regarding **claims 1 and 7**, Uchiyama teaches a mobile alerter for a mobile communication device the mobile alerter (Fig. 6) comprising: a processor (Fig. 6, #70); a power supply [0029, 0031]; a wireless receiver to communicate with the mobile communication device (Fig. 6, Wireless Cellular Phone #6); notification hardware (Ringer/Answering Machine) for triggering a notification of an incoming alert [0013-0014]; and a connection interface for removably connecting the mobile alerter to the mobile communication device (Fig. 6, [0038-0043]); the mobile alerter forming the notification unit of the mobile communication device such that the mobile alerter outputs notification alerts for the mobile communication device when the mobile alerter is in a tethered mode (**connected** to Base and/or Docking Unit/Station #2 [0038-0043]), and the mobile alerter outputs notification alerts for the mobile communication device when the mobile alerter is an un-tethered mode (**disconnected** to Base and/or Unit/Station #2 (Fig. 6, [0038-0043])). As an examiner noted that a cellular and a cordless phone, both phones work on the tethered or un-tethered modes).

Regarding **claim 2**, Uchiyama teaches the mobile alerter of claim 1, wherein the notification hardware comprises **at least one** type of hardware selected from the following group a speaker, a vibrator, and a light (Fig. 6, Speaker Phone #80).

Regarding **claim 3**, Uchiyama teaches the mobile alerter of claim 1, wherein the power supply comprises a battery [0005-0007].

Regarding **claim 4**, Uchiyama teaches a mobile communication device (Fig. 6) comprising: a processor (Fig. 6, Controller, CPU, Processor #70); a wireless communication means to communicate with a wireless network (Fig. 6, Cellular Phone

#6 communicate with Wireless Network); a wireless transmitter for communication with a wireless network (Fig. 6, Cellular Phone #6); a wireless receiver for communication with a wireless network (Fig. 6, Cellular Phone #6); a wireless transmitter for communication with a mobile alerter of claim 1 (Fig. 6, [0038-0043]); a housing (Docking #2) with a cavity (Wireless and/or Cordless Cradles #14 and #16) for receiving the mobile alerter(Fig. 6,); and a connection interface for receiving the mobile alerter (Fig. 6, [0038-0043]).

Regarding **claim 5**, Uchiyama teaches the mobile communication device of claim 4, wherein the wireless communication means comprises **at least one** form of communication means selected from the following group: a voice communication means, and a data communication means [0038-0043].

Regarding **claim 6**, Uchiyama teaches the mobile communication device of claim 4, wherein the connection interface comprises **at least one** form of interface selected from the following group: a serial interface, a parallel interface, a USB interface, a Firewire interface, and a wireless interface (Fig. 6, [0037-0043]).

Regarding **claim 9**, Uchiyama teaches the mobile communication device of claim 4, wherein the connection interface of the mobile device is located within the cavity of the housing of the mobile device, the cavity being adapted to slidably receive the mobile alerter (Fig. 6, [0037-0043]).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael T. Vu



DUC NGUYEN  
PRIMARY EXAMINER